

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-108424-001 DT

04/13/2016

HON. ROSA MROZ

CLERK OF THE COURT
E. Johnson/J. Matlack
Deputy

STATE OF ARIZONA

ERIN MARIE PEDICONE

v.

BRIAN RAYMOND LORTI (001)
DOB: 10/02/1976

O JOSEPH CHORNENKY

APO-SENTENCINGS-CCC
APPEALS-CCC
D & C MATERIALS-CSC
DISPOSITION CLERK-CSC
MCSO-ATTN RECORDS MANAGER
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

8:40 a.m.

Courtroom SCT - 7D

State's Attorney:	Erin Marie Pedicone
Defendant's Attorney:	O Joseph Chornenky
Defendant:	Present

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-108424-001 DT

04/13/2016

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended) Attempted Sexual Exploitation of a minor
Class 3 Felony and Dangerous Crime against Children
A.R.S. § 13-3553, -3551, -3557, -3821, -610, -705, -701, -702, -801 and 13-1001
Date of Offense: between 01/20/2015 and 02/19/2015
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: Lifetime

To begin 04/13/2016.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 05/01/2016.

SEX OFFENDER REGISTRATION FEE: Count 1 - \$250.00, payable \$0 per month, beginning 05/01/2016.

PROBATION ASSESSMENT: Count 1 - \$20.00 payable on 05/01/2016.

VICTIMS' RIGHTS ENFORCEMENT Count 1 - in the amount of \$2.00 payable on 05/01/2016.

Count 1: \$50.00 to the Address Confidentiality Program, payable \$0 per month, beginning 05/01/2016.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-108424-001 DT

04/13/2016

Count 1: \$500.00 for Dangerous Crimes Against Children or Sexual Assaults, payable \$50.00 per month, beginning 05/01/2016.

All amounts payable through the Clerk of the Superior Court.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 18: Count 1: Be incarcerated in the county jail for 6 month(s), beginning 04/01/2017 with credit for 0 day(s) served.

Not to be released until 03/31/2018.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall be screened for Work Furlough.

Condition 21: Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Sex Offender

Computer Usage: Ownership and Monitoring

Pursuant to A.R.S. § 13-3821(K), notification is made to the Sheriff of Maricopa County, Arizona.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-108424-001 DT

04/13/2016

IT IS ORDERED granting the Motion to Dismiss the following: Count 2.

Count(s) 1: Term #18 is a deferred jail term. If Defendant is in non-compliance with the terms of probation imposed and is ordered to serve this jail term as directed by the Adult Probation Officer, the Defendant shall self-surrender to the custody of the Maricopa County Sheriff and authorizing the Sheriff to carry out the term of incarceration as imposed by the Court.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Pursuant to the terms set forth in the parties' Plea Agreement,

IT IS ORDERED that the Defendant pay all costs associated with the DNA testing ordered herein.

IT IS ORDERED directing the Clerk of the Court to seal the PreSentence Memo provided by Defense Counsel, not to be opened without further order of the Court.

FILED: 04/13/2016

Defendant shall forfeit all interest in his instrument of communication to the State.

8:47 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-108424-001 DT

04/13/2016

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. ROSA MROZ
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)